

## THIRTY-EIGHTH DAY

(Wednesday, March 17, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bridges Creighton

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Bridges was granted leave of absence for today on account of illness on motion of Senator Word.

## Reports of Standing Committees

Senator Mauzy submitted the following reports for the Committee on Education:

S. B. No. 211.

S. B. No. 421.

S. B. No. 441.

S. B. No. 527.

C. S. S. B. No. 177 (Read first time).

Senator Connally submitted the following report for the Committee on Parks and Wildlife:

S. B. 372.

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. B. No. 161.

S. B. No. 220.

S. B. No. 92 (Amended).

S. B. No. 369 (Amended).

S. C. R. No. 45.

Senator Aikin submitted the following report for the Committee on Finance:

C. S. H. B. No. 43 (Read first time).

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

S. B. No. 380 (Amended).

S. B. No. 383 (Amended).

C. S. S. B. No. 450 (Read first time).

S. B. No. 382.

S. B. No. 442.

S. B. No. 357.

S. B. No. 154.

S. B. No. 449.

H. B. No. 258.

H. B. No. 183.

S. B. No. 725 Floor report).

Senator Jordan submitted the following report for the Committee on Labor and Management Relations:

C. S. H. B. No. 198 (Read first time).

S. B. No. 153.

S. B. No. 525.

## Messages From the Governor

The following messages received from the Governor were read and referred to the Committee on Nominations:

Austin, Texas,  
March 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Ports of Galveston and Texas City: For four-year terms to expire April 1, 1975: Captain Albert F. Schurig, of Texas City, Galveston County; Captain Ereal H. Goodwin, of Galveston, Galveston County; Captain Harry L. Coker, Jr., of Texas City, Galveston County; for a four-year term to expire April 29, 1975: Captain Russell Bryant, of Texas City, Galveston County.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas

Austin, Texas,  
March 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas State Historical Survey Committee: For six-year terms to expire January 1, 1977: Mrs. Frank M. Covert, III, of Austin, Travis County, for reappointment; John C. Caldwell, of Albany, Shackelford County, for reappointment; Mrs. Charles R. Woodburn, of Amarillo, Potter County, to replace Charles R. Woodburn, of Amarillo, Potter County, whose term has expired; Dan Lester, of Jefferson, Marion County, to replace Thomas C. Unis, of Dallas, Dallas County, whose term has expired; Phillip C. Bowen, of El Paso, El Paso County, to replace Don R. Thorne, of El Paso, El Paso County, whose term has expired; Mrs. D. J. Sibley, Jr., of Austin, Travis County, to replace Howard Coghlan, of Longview, Gregg County, whose term has expired.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas

Austin, Texas,  
March 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Public Welfare: For a six-year term to expire January 19, 1977: George A. Butler, of Houston, Harris

County, to replace W. Kendall Baker, of Houston, Harris County, whose term has expired.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas

Austin, Texas,  
March 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Board of Corrections: For six-year terms to expire February 2, 1977: Walter M. Mischer, of Houston, Harris County, for reappointment; Fred W. Shield, of San Antonio, Bexar County, for reappointment.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas

Austin, Texas,  
March 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Credit Union Commission: For six-year terms to expire February 15, 1977: Wilfred S. MacKinnon, of Baytown, Harris County, for reappointment; Jim R. Williams of San Antonio, Bexar County, to replace Robert Wm. Mitchell, of Longview, Gregg County, whose term has expired.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas

#### Senate Bills and Resolution on First Reading

The Constitutional Rule was suspended by the following vote, and the following bills and resolution were introduced, read first time and referred to the Committee indicated:

Yeas—29

Aikin	Blanchard
Bates	Brooks
Beckworth	Christie
Bernal	Connally

Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word
McKool	

Absent—Excused

Bridges                      Creighton

By Senator Hightower:

S. B. No. 871, A bill to be entitled "An Act eliminating the penalty for late filing of the preliminary inheritance tax report; amending Subsection (E), Article 14.14, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on State Affairs.

By Senator Hightower:

S. B. No. 872, A bill to be entitled "An Act to amend Article 3.12 of Chapter 3 of the Insurance Code (Acts, 1957, Fifty-fifth Legislature, Regular Session) so as to provide no "domestic" company shall pay to any of its officers, trustees, or directors a salary, compensation or emolument, or pay any such salary, compensation or emolument to any person, firm or corporation, amounting in any one (1) year to more than Twenty Thousand Dollars (\$20,000), unless such payment be first authorized by vote of the board of directors of such company or by a committee of such board with authority to authorize such payments; providing for exception in favor of the payment of renewal commissions to agents; to permit the stockholders of 'domestic' life insurance companies to authorize the inauguration of a plan or plans for the payment of pensions, retirement or group insurance to its officers and employees; to provide that the stockholders may delegate to the board of directors authority and responsibility for the preparation, inauguration, putting into effect, final approval and administration of any such plan or plans or any amendments thereof; conferring the same discretion, authority, privileges and rights upon mutual companies as are conferred upon 'domestic' companies under sub-

paragraph (b); providing for severability; and declaring an emergency."

To Committee on Insurance.

By Senator Hightower:

S. B. No. 873, A bill to be entitled "An Act relating to the enactment of and entering into of the Interstate Library Compact; and declaring an emergency."

To Committee on Interstate Cooperation.

By Senators Bernal and Kothmann:

S. B. No. 874, A bill to be entitled "An Act relating to the exemption of the area comprising municipal cooling lakes in certain counties from the calculation of local fund assignments for the Foundation School Program; amending Subsection (b), Section 16.76, Texas Education Code; and declaring an emergency."

To Committee on Education.

By Senator Connally:

S. B. No. 875, A bill to be entitled "An Act providing methods of assessment for ranch, farm, forest and other open space lands, and declaring an emergency."

To Committee on State Affairs.

By Senator Connally:

S. J. R. No. 50, Proposing an amendment to Section 1-d, Article VIII, Constitution of the State of Texas, to provide for methods of assessment for ranch, farm, forest, and other open space lands that will promote the preservation of their existing uses.

To Committee on Constitutional Amendments.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 386, To Committee on County, District and Urban Affairs.

H. B. No. 182, To Committee on Transportation.

H. B. No. 225, To Committee on County, District and Urban Affairs.

H. B. No. 347, To Committee on State Departments and Institutions.

H. B. No. 348, To Committee on State Departments and Institutions.

H. B. No. 356, To Committee on County, District and Urban Affairs.

(President Pro Tempore in Chair.)

### House Bill 3 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 3, A bill to be entitled "An Act relating to the amount available for workmen's compensation awards and expenses at Texas Tech University; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

### House Bill 3 on Third Reading

Senator Blanchard moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

#### Absent—Excused

Bridges	Creighton
---------	-----------

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

### House Bill 187 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 187, A bill to be entitled "An Act granting minors the capacity to consent to examination and treatment by a licensed physician for any condition, disease, or illness related to or caused by the use of narcotics or other drugs; and declaring an emergency."

The bill was read second time and was passed to third reading.

### House Bill 187 on Third Reading

Senator Mauzy moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

#### Absent—Excused

Bridges	Creighton
---------	-----------

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—29

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Sherman

Snelson  
Wallace  
Watson

Wilson  
Word

Absent—Excused

Bridges

Creighton

### House Concurrent Resolution 89 on Second Reading

The President Pro Tempore laid before the Senate:

H. C. R. No. 89, Commending Master Sergeant Finnis D. McCleery.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, and Word.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Snelson the resolution was adopted.

### Senate Bill 19 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 19, A bill to be entitled "An Act relating to the use of county employees and equipment to construct, maintain, or improve private roads in certain counties; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend Section 3 of Senate Bill 19 to read as follows:

"No county commissioner may authorize any work on any one project for which the charges will exceed \$250 in any one year for any person, nor may he authorize any work for

which professional contractor services are reasonably available in the opinion of the Commissioners Court of the county."

The Committee Amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### Senate Bill 19 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges  
Creighton

Kennard

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### Senate Bill 278 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 278, A bill to be entitled "An Act relating to the establishment, maintenance, support, and administration of The University of Texas System Environmental Science Park; providing for severability; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 278 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

#### Absent—Excused

Bridges                      Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Sherman

Snelson	Wilson
Wallace	Word
Watson	

#### Absent—Excused

Bridges                      Creighton

#### Senate Bill 318 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 318, A bill to be entitled "An Act relating to the authority of the governing body of certain state-supported colleges and universities to close a street or alley running through the campus; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 318 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 318 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

#### Absent—Excused

Bridges                      Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

## Absent—Excused

Bridges	Creighton
---------	-----------

## Senate Bill 373 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 373, A bill to be entitled "An Act amending Statutes authorizing Community Centers for Mental Health and Mental Retardation Services that are receiving State grants-in-aid under the provisions of Article 4 of the Texas Mental Health and Mental Retardation Act to purchase drugs and medicines through the Board of Control; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 373 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Connally
Bates	Grover
Beckworth	Hall
Bernal	Harrington
Blanchard	Harris
Brooks	Herring
Christie	Hightower

Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Wilson
Patman	Word
Ratliff	

## Absent—Excused

Bridges	Creighton
---------	-----------

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

## Absent—Excused

Bridges	Creighton
---------	-----------

Committee Substitute  
Senate Bill 226 on Second Reading

Senator Bates moved to suspend the regular order of business and take up C. S. S. B. No. 226 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—21

Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Hall	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

## Nays—7

Aikin	Patman
Blanchard	Ratliff
Grover	Schwartz
Harrington	

## Absent

Harris

## Absent—Excused

Bridges	Creighton
---------	-----------

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 226, A bill to be entitled "An Act creating the Texas State Board of Landscape Irrigation; defining the terms landscape irrigation system, component parts, landscape irrigator, any location, installation of underground sprinkler systems and/or landscape irrigation systems; Board; providing for exemption for certain persons in professions or other types of endeavor; creating a Board consisting of six members who shall be citizens of the United States and residents of Texas; prescribing qualifications for membership on the Board; providing method of appointment and prescribing term of office; defining a quorum of said Board; providing for and prescribing oath of office; prescribing powers and duties of the Board; authorizing the Board to adopt rules and regulations; providing for compensation and travel allowance; providing that no expense of administration of the Act shall ever be charged against the general fund of the State of Texas; prescribing qualifications for licensees; providing for examination and prescribing fees; prescribing for licenses and method of revocation and reissuance; providing for a grandfather clause; providing for notification to local boards of health; providing for a criminal penalty for one in violation of this Act to be fined the sum of \$100.00 and further providing that each day said violation continues shall be deemed a separate offense in violation of this Act; providing for an injunction in addition to the criminal penalty, enjoining anyone in violation of the Act; providing that cities and towns may prescribe rules and regulations; prescribing for appeal from Board Order; providing a saving and severability clause; repealing laws in conflict with a proviso; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

## Committee Substitute

## Senate Bill 226 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 226 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—23

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Sherman
Connally	Snelson
Hall	Wallace
Harrington	Watson
Herring	Wilson
Hightower	Word
Jordan	

## Nays—5

Aikin	Ratliff
Grover	Schwartz
Patman	

## Absent

Harris

## Absent—Excused

Bridges	Creighton
---------	-----------

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Votes

Senators Patman, Aikin and Hightower asked to be recorded as voting "Nay" on the final passage of the bill.

## Senate Bill 282 on Second Reading

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 282, A bill to be entitled "An Act prohibiting the engaging in certain disruptive activities or disrupting a lawful assembly on the campus or property of private or public schools or institutions of higher education or public vocational and technical schools or institutions; prescribing certain penalties; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 282 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 282 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

#### Absent—Excused

Bridges                      Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 17, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 57, Commending the firefighters of Engine Company Number 41 for their bravery and devotion to duty.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

#### Senate Bill 221 on Second Reading

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 221, A bill to be entitled "An Act relating to cancellation of motor vehicle insurance; amending the Texas Insurance Code by adding Article 5.06a; and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend S. B. 221 by striking all below the enacting clause and substituting therefor the following:

Section 1. The Texas Insurance Code is amended by adding a new Article 5.06a, to read as follows:

"5.06a. Cancellation.

"Section 1. Permissible grounds for cancellation. No insurance company, having once issued or delivered a policy of motor vehicle insurance in this state insuring a private passenger automobile owned by an individual or by husband and wife resident in the same household or jointly by two or more relatives resident in the same household, may, after the policy has been in effect for sixty (60) days, cancel the policy during its term, except for the following specified reasons:

"(1) The named insured fails to discharge when due any of his obligations in connection with the payment of premium for this policy or any installment thereof; or

"(2) The insurance was obtained through material misrepresentation; or

"(3) The insured violates any of the terms and conditions of the policy; or

"(4) The named insured or any other operator, either resident in the same household, or who customarily operates an automobile insured under the policy,

"(a) has had his driver's license suspended or revoked during the policy period, or

"(b) is or becomes subject to epilepsy or heart attacks, and that individual cannot produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle, or

"(c) is or has been convicted of or forfeits bail, during the thirty-six months immediately preceding the effective date of the policy or during the policy period, for:

"1. any felony, or

"2. criminal negligence resulting in death, homicide or assault, arising out of the operation of a motor vehicle, or

"3. operating a motor vehicle while in an intoxicated condition or while under the influence of drugs, or

"4. leaving the scene of an accident without stopping to report, or

"5. theft of a motor vehicle, or

"6. making false statements in an application for a driver's license, or for

"7. a third violation, committed within a period of eighteen months, of (i) any ordinance or regulation limiting the speed of motor vehicles, or (ii) any of the provisions in the motor vehicle laws of any state, the violation of which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or were different offenses.

"Section 2. Calculation of Sixty-day Period. The sixty-day period is calculated from the effective date of the policy to the date on which notice of cancellation is mailed. A renewal of an expiring policy is to be considered as an extension of the earlier policy, provided both policies are written by the same company.

"Section 3. Non-renewal of expiring policy. Refusal to renew an expiring policy which was written for a period of less than one year shall be regarded as cancellation, and no insurer shall refuse to renew such policies, until their aggregate terms equal one year, for any reason other than those specified herein for cancellation.

"Section 4. Specification of reasons for cancellation or refusal to renew. Notice of cancellation of a policy or of intention to refuse renewal of a policy defined in Section 3 of this act shall be mailed to the policyholder at the address shown in the policy not

less than thirty (30) days prior to the date of the proposed cancellation or not less than thirty (30) days prior to the expiration of the policy which the insurer declines to renew. Such notice shall specify the reason or reasons for cancellation or refusal to renew.

"Section 5. Cancellation of policy written for a term in excess of one year. Notwithstanding any contrary provision of this act, an insurer may cancel, for any cause whatsoever, a policy written for a term in excess of one year, provided the effective date of such cancellation is an anniversary date of the policy.

"Section 6. Non-renewal when coverage has been afforded for at least one year. Notwithstanding any contrary provision of this act, an insurer may refuse to renew, for any cause whatsoever, a policy which was written for a term of one year or more, or which, though written for a term of less than a year, completes a year's coverage by renewing other policies as defined in Section 3 of this act.

"Section 7. Notice of intention to cancel or to refuse renewal. No insurer may cancel a policy or refuse renewal of an expiring policy without giving the thirty (30) days notice required by this act and specifying the reasons for cancellation or non-renewal. Such notice shall state the reasons, not only as to cancellations and non-renewals which are permitted only for the reasons specified in Section 1 of this act, but also for those cancellations and non-renewals which are permitted regardless of the reasons which prompt the insurer to cancel or decline renewal.

"Section 8. Cancellation or refusal to renew void. Any attempted cancellation contrary to the provisions of this act, or refusal to renew contrary to the provisions of this act, shall be void, and the policy or renewal thereof shall remain in force.

"Section 9. Violations; Board shall cancel certificate of authority. The State Board of Insurance shall, after notice and hearing, cancel the certificate of authority of any insurer which violates the provisions of this act.

"Section 10. Applicability. This act shall apply to all insurance companies writing motor vehicle insurance in this State, including stock companies,

mutual companies, farm mutual insurance companies, county mutual insurance companies, Lloyds organizations, and reciprocal exchanges.

"Section 11. Certain acts regarded as cancellation. Any insurer which declines to recognize the existence of additional coverage to which an insured is entitled under an existing contract, or which attempts to reduce coverage under an existing contract by the attachment of restrictive endorsements or by any other means, shall be deemed to have cancelled the coverage if such acts are performed without the consent of the insured."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 221 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace

Watson  
Wilson

Word

Absent—Excused

Bridges

Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Committee Substitute Senate Bill 101 on Second Reading

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 101, A bill to be entitled "An Act relating to uninsured motorist coverage; amending Sections (1) and (3), Article 5.06-1, Texas Insurance Code; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Committee Substitute Senate Bill 101 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bridges

Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 37 on Second Reading

Senator Mauzy asked unanimous consent to suspend the regular order of business and take up S. B. No. 37 for consideration at this time.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up S. B. No. 37 for consideration at this time.

The motion prevailed.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 37, A bill to be entitled "An Act relating to requiring automobile liability insurers to provide written certification of liability coverage to certain of their insureds; amending the Texas Insurance Code by adding Article 5.06-3; and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend S. B. 37 by inserting the following language after the comma appearing on Line 20 of the printed bill, to-wit:

"and such policy or a written certificate evidencing the same has not been theretofore delivered to the insured in person or mailed to the insured at the address stated in the application for insurance,"

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 37 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30

requiring bills to be read on three several days be suspended and that S. B. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

#### Nays—1

Blanchard

#### Absent—Excused

Bridges

Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 217 on Second Reading

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 217, A bill to be entitled "An Act relating to the creation of a Juvenile Board for Deaf Smith County; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 217 on Third Reading

Senator Sherman moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

## Absent—Excused

Bridges                      Creighton

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

## Absent—Excused

Bridges                      Creighton

Senate Joint Resolution 7 on  
Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 7, Proposing an amendment to Article VIII, Section 1-b, of the Texas Constitution, to provide an exemption of \$3,000 of the value of residence homesteads of all persons 65 years of age or older from all ad-

valorem taxes levied by any county, city, town, school district, or other political subdivision or instrumentality of the state.

The resolution was read second time and passed to engrossment.

Senate Joint Resolution 7 on  
Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Grover	Schwartz
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson

## Nays—3

Ratliff	Word
Sherman	

## Absent—Excused

Bridges                      Creighton

The President Pro Tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

## Yeas—26

Aikin	Harris
Bates	Herring
Beckworth	Hightower
Bernal	Jordan
Blanchard	Kennard
Brooks	Kothmann
Christie	Mauzy
Connally	McKool
Grover	Moore
Hall	Patman
Harrington	Schwartz

Snelson                      Watson  
Wallace                      Wilson

Nays—2

Sherman                      Word

Absent

Ratliff

Absent—Excused

Bridges                      Creighton

Motion to Place

Senate Bill 458 on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business and take up S. B. No. 458 for consideration at this time.

There was objection.

On motion of Senator Watson and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

Committee Substitute

Senate Bill 114 on Second Reading

Senator Moore moved to suspend the regular order of business and take up C. S. S. B. No. 114 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Beckworth	Hightower
Bernal	Jordan
Blanchard	Kothmann
Brooks	Mauzy
Christie	Moore
Connally	Ratliff
Grover	Wallace
Hall	Watson
Harrington	Wilson
Harris	Word

Nays—9

Aikin	Patman
Bates	Schwartz
Herring	Sherman
Kennard	Snelson
McKool	

Absent—Excused

Bridges                      Creighton

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 114, A bill to be entitled "An Act providing that the principal office of the Board of Pardons and Paroles shall be in the city of Huntsville; amending Section 12, under "C. Paroles," and Section 13, Article 42.12, Code of Criminal Procedure, 1965; and declaring an emergency."

The bill was read second time and was passed to engrossment.

(President in Chair.)

Record of Votes

Senator Herring, Patman, Snelson, Bates, McKool, Aikin and Kennard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Memorial Resolution

S. R. No. 733—By Senator Herring: Memorial resolution for John Oliver Abbett.

Welcome and Congratulatory Resolutions

S. C. R. No. 59—By Senators Aikin, Brooks, Wallace, Jordan and Grover: Extending congratulations to The University of Texas M. D. Anderson Hospital and Tumor Institute (Amended).

S. R. No. 729—By Senators Sherman, Aikin, Blanchard and Herring: Extending commendation to Texas Department of Public Safety.

S. R. No. 730—By Senator Watson: Extending commendation to C. W. (Bill) McDavid, Central Texas Engineer of The Year.

S. R. No. 731—By Senator Watson: Extending congratulations to Mrs. Helen Baldwin.

S. R. No. 732—By Senator Watson: Extending commendation to David Pyland.

S. R. No. 734—By Senator Brooks: Extending welcome to Ray West and Joe Abram.

S. R. No. 735—By Senator Herring: Extending welcome to teachers and government students, Johnston High School.

S. R. No. 736—By Senator Grover: Extending welcome to students from St. Vincent's School, Houston.

S. R. No. 737—By Senator Watson: Extending welcome to students from Mary-Hardin Baylor University, Belton.

S. R. No. 738—By Senator Watson: Extending welcome to Mrs. J. C. Bradford and Mrs. Otis Punchard.

S. R. No. 739—By Senator Harrington: Extending welcome to Exchange Students from Lima, Peru.

S. R. No. 740—By Senators Aikin and Hightower: Extending welcome to the Reverend and Mrs. Glendell A. Jones and Mrs. Lester Rinefield.

S. R. No. 741—By Senator Herring: Extending welcome to teachers and students, Smithville High School.

S. R. No. 742—By Senator Herring: Extending welcome to teacher and fifth grade students, Travis Heights Elementary School.

#### Adjournment

On motion of Senator Aikin the Senate at 11:50 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

#### APPENDIX

Sent to Governor

March 17, 1971

S. B. No. 433.

#### THIRTY-NINTH DAY

(Thursday, March 18, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Bridges

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

(Senator Word in Chair.)

#### Leave of Absence

Senator Bridges was granted leave of absence for today on account of illness on motion of Senator Hightower.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
March 18, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 241, A bill to be entitled "An Act transferring original jurisdiction in matters of eminent domain from the County Court and the County Court at Law of Tarrant County to the district courts of that county; and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to amend Chapter 495, Acts of the 44th Legislature, Third Called Session, 1936, as last amended by Chapter 402, Acts of the 52nd Legislature, Regular Session, 1951 (Article 7064a, Vernon's Texas Civil Statutes) redefining the terms 'insurance organization'; providing exceptions to the imposition of the tax; repealer clause; and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act relating to the appointment and terms of office of members of the Texas State Board of Examiners of Psychologists; amending Sections 4 and 5, Chapter 713, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4512c, Vernon's Texas Civil Statutes); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives